

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

BOARD OF TRUSTEES OF THE
BAKERY AND CONFECTIONERY
UNION AND INDUSTRY
INTERNATIONAL PENSION FUND,

Plaintiff,

v.

UNITED STATES BAKERY,
MOUNTAIN STATES BAKERIES LLC,
AND CENTRAL CALIFORNIA BAKING
COMPANY,

Defendants.

No. 1:20-cv-01587-DAD-BAM

ORDER GRANTING UNOPPOSED MOTION
TO TRANSFER VENUE

(Doc. No. 23)

This matter is before the court on an unopposed motion to transfer venue filed by defendants. (Doc. No. 23.) On March 23, 2021, plaintiff filed a statement consenting to the transfer of venue. (Doc. No. 27.) Defendants filed their reply on March 30, 2021. (Doc. No. 29.) Pursuant to General Order No. 617 addressing the public health emergency posed by the coronavirus pandemic, the court took this matter under submission to be decided on the papers, without holding a hearing. (Doc. No. 25.)

Defendants assert that this action should be transferred to the United States District Court for the District of Oregon for the convenience of the parties and witnesses and in the interest of justice pursuant to 18 U.S.C. 1404(a). (Doc. No. 24 at 3.) In support of this request, defendants

1 state that this action and another action, Svenhard's Swedish Bakery's adversary proceeding,
2 Case No. 20-01029 (Bankr. E.D. Cal.), which was recently transferred to the District of Oregon
3 by District Judge John A. Mendez, involve overlapping factual, legal, and procedural issues,
4 asserting that it would be more convenient for the parties and witnesses if there was an
5 opportunity to coordinate or consolidate this action with the other related matter. (*Id.* at 2.)
6 Defendants state that Svenhard's Swedish Bakery has since filed a First Amended Complaint in
7 the District of Oregon stating substantially the same claims with respect to defendant United
8 States Bakery's alleged successor liability. (*Id.* at 3.) Defendants further assert that due to this
9 court's heavy caseload and severe lack of judicial resources creating an emergency, the parties
10 believe they will have a better opportunity to advance the litigation more expeditiously in the
11 District of Oregon. (*Id.* at 4.) Finally, defendants argue that transfer would reduce the risk of
12 inconsistent rulings. (*Id.* at 4.)

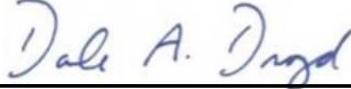
13 Pursuant to the parties' consent to be transferred, and for the sake of judicial economy and
14 efficiency, and in the interest of justice, the court will transfer this action to District Court for the
15 District of Oregon. Because this case will no longer be pending in this court, the undersigned
16 declines to rule on the pending motion to dismiss. (Doc. No. 18.)

17 Accordingly,

- 18 1. Defendants' unopposed motion to transfer venue (Doc. No. 23) is granted;
19 2. The court declines to rule on defendants' motion to dismiss (Doc. No. 18); and
20 3. The Clerk of the Court is directed to transfer this case to the United States
21 District Court for the District of Oregon.

22 IT IS SO ORDERED.

23 Dated: April 21, 2021


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25 UNITED STATES DISTRICT JUDGE
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